



KANSAS

D. KENT HURN, CHAIRPERSON

DEPARTMENT OF ADMINISTRATION
CIVIL SERVICE BOARD

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To: Jack Rickerson, Director, Division of Personnel Services
Tracy Diel, Director, Office of Administrative Hearings
D. Kent Hurn, Chairman, Civil Service Board

From: Peggy Graham, Secretary, Civil Service Board

Date: July 15, 2005

Re: CSB Quarterly Update

The following reflects the Civil Service Board cases in which action was taken since the April 15, 2005 quarterly report:

A. Cases Decided and/or Disposed Of:

1. **Name removed**, dismissal *affirmed*
Department of Labor
Research Analyst V. Appellant was responsible for publication of a booklet that is part of a grant from the US Department of Labor. It provides projections regarding occupational opportunities and needs in the future used by education institutions and employers. He sent the publication to printing without proof-reading the final product and approximately 3000 copies were printed and over 2000 distributed with substantial errors. After hearing all of the evidence, the Board found the decision of the appointing authority to be reasonable.
2. **Name removed**, dismissal *withdrawn*
Larned Correctional Mental Health Facility
Corrections Specialist I. Appellant appealed the dismissal from his Corrections Specialist I position with the Larned Correctional Mental Health Facility. Appellant was dismissed because he did not have a valid drivers license, it would not be valid until January 15, 2007, and he did not report the suspension to his supervisor. It had been suspended because of his refusal to take a chemical test during a December 16, 2004 traffic stop. Appellant withdrew his appeal.
3. **Name Removed**, dismissal *dismissed*
Kansas Neurological Institute
Qualified Developmental Disability Professional. Appellant appealed the dismissal from his Qualified Developmental Disability Professional position with KNI. Dismissal was due to being

arrested and charged with two offenses. The first was dismissed, but appellant pled nolo contendere to the charge of use or possession of simulated controlled substance and drug paraphernalia. KNI determined he would need to get security clearance and felt the charges were too serious to be granted such. Appellant did not appear at the April 22, 2005 hearing and a default order was issued.

4. **Name removed**, 3-day suspension *withdrawn*
Department of Social and Rehabilitation Services
Computer Operator III. Appellant became angry during a meeting and threatened to physically assault a co-worker, raised his voice, was physically threatening toward a supervisor, threw his cap at his supervisor and punched a bookcase. The parties reached a settlement prior to the scheduled hearing and appellant withdrew his appeal.
5. **Name removed**, demotion *withdrawn*
Topeka Juvenile Correctional Facility
Juvenile Corrections Officer I. Appellant appealed the demotion from a Juvenile Corrections Officer II to a Juvenile Corrections Officer I. The demotion was due to appellant engaging in impermissible undue familiarity with juvenile offenders, failing to supervise and manage the behavior of juvenile offenders under his care and providing false and conflicting information during the investigation into his misconduct. Appellant withdrew his appeal.
6. **Name removed**, 1-day suspension *affirmed*
Lansing Correctional Facility
Correctional Officer II. Appellant had a pattern of taking sick leave in conjunction with his regularly scheduled days off, he failed to report for duty when a requested day of sick leave was denied and he used 32 hours of sick leave during one pay period of which 24 hours were unpaid as he had exhausted his leave. In addition, he failed to provide statements from his physician when requested to do so to verify that he had been ill or injured. After hearing all of the evidence, the Board found the decision of the appointing authority to be reasonable.
7. **Name removed**, dismissal *withdrawn*
Kansas Dept. of Revenue
Drivers License Examiner Senior. Appellant appealed the dismissal from her Drivers License Examiner Senior position with the Kansas Dept. of Revenue. Over a time period of 15 months, her record showed she was absent at least 35% of the time, including many unauthorized leaves. Her absences were reflected in an unsatisfactory performance evaluation and again during a 3-month special performance review. Appellant withdrew her appeal.
8. **Name removed**, dismissal *dismissed*
Osawatomie State Hospital
Registered Nurse Senior. Appellant was dismissed for abuse of time and leave over a considerable period of time due to several illnesses and injuries. She failed to appear at the hearing as scheduled and a default order was issued against her.
9. **Name removed**, dismissal *dismissed*
Lansing Correctional Facility
Corrections Officer I. Appellant appealed the dismissal from his Corrections Officer I position with Lansing Correctional Facility. Dismissal was due to a pattern of breaching security. Because he was on the phone for several extended periods of time, he was not making required security checks. Appellant didn't appear at the May 2, 2005 hearing and a default order was issued.

10. **Name removed**, 20-day suspension *modified*
Kansas Highway Patrol
Master Trooper. Appellant violated several KHP policies during a vehicle pursuit including failing to inform other officers involved that he was joining the pursuit, passing other emergency vehicles during the pursuit, excessive use of force when he unnecessarily broke out a window on the suspect's vehicle and excessive use of force when he used his OC spray in the vehicle on a suspect who was not resisting arrest. After hearing all of the evidence, the Board found that policy violations had occurred and that discipline was warranted, but found a 20 day suspension to be unreasonable and modified the decision to a 10-day suspension without pay.
11. **Name removed**, 2-day suspension *withdrawn*
State Fire Marshal
Fire Prevention Inspector. Appellant appealed being suspended for 2-days without pay for confirmed misuse of State time and disregard for Division rules of performing a team inspection without prior approval. The parties reached a settlement prior to the scheduled hearing and appellant withdrew her appeal.
12. **Name removed**, dismissal *withdrawn*
Topeka Correctional Facility
Corrections Officer II. Appellant appealed a termination from a Corrections Officer II position with the Topeka Juvenile Correctional Facility. Dismissal was due to undue familiarity with inmates by allowing them to view pictures on his computer. A settlement agreement was reached between the parties and the appeal was withdrawn by the appellant.
13. **Name removed**, 3-day suspension *withdrawn*
Parsons State Hospital
Developmental Disability Technician I. PSH policy prohibits employees from sleeping on the job. In July 2003 appellant was reprimanded for sleeping on the job. He was again discovered sleeping on the job on December 18, 2004. Appellant withdrew his appeal prior to the scheduled hearing.
14. **Name removed**, denial to interview or offer position *dismissed*
Social and Rehabilitation Services
Appellant appealed, saying SRS should have been required to interview him as he had the minimum requirements for the PSE II position, and should have offered him the position through the Employee Preference Program. The Board dismissed the appeal, saying it did not have jurisdiction over this matter.
15. **Name removed**, dismissal *affirmed*
Parsons State Hospital
Developmental Disability Technician II (DDT II). Appellant appealed the dismissal from his position for repeatedly calling the residents names, cussing at the residents, treating them in a demeaning and cruel manner, failing to respond appropriately to a physical confrontation between residents, failing to provide care to an injured resident, rubbing soap in the eyes of residents, showing favoritism among the residents and being too physically aggressive in the handling and re-directing of residents. The Board affirmed the dismissal of the appellant from his position as a Developmental Disability Technician II with the Parsons State Hospital and Training Center.

B. Cases Filed Between April 15, 2005 and July 15, 2005:

1. Topeka Juvenile Correctional Facility, filed May 13, 2005
2. Osawatomie State Hospital, filed May 18, 2005
3. Kansas Soldiers' Home, filed May 24, 2005
4. Kansas Neurological Institute, filed June 1, 2005
5. Lansing Correctional Facility, filed June 7, 2005
6. Kansas State University, filed June 10, 2005
7. Larned State Hospital, filed June 13, 2005
8. Social and Rehabilitation Services, filed June 17, 2005
9. Topeka Correctional Facility, filed June 24, 2005
10. Social and Rehabilitation Services, filed July 6, 2005
11. Ellsworth Correctional Facility, filed July 7, 2005
12. Kansas Soldiers' Home, filed July 8, 2005
13. Osawatomie State Hospital, filed July 11, 2005
14. Wildlife and Parks, filed July 11, 2005

C. Cases Still To Be Heard:

1. dismissal, The University of Kansas, set 8/19/05
2. 2-day suspension, Department of Social and Rehabilitation Services, set 7/21/05
3. dismissal, Kansas Neurological Institute, set 9/8/05
4. dismissal, Osawatomie State Hospital, set 8/16/05
5. dismissal, Social and Rehabilitation Services, set 8/1/05
6. 5-day suspension, Lansing Correctional Facility, set 7/19/05
7. dismissal, Ellsworth Correctional Facility, set 8/16/05
8. 20-day suspension, Department of Labor, set 8/2/05
9. dismissal, Larned State Hospital, set 7/19/05
10. 30-day suspension, Topeka Correctional Facility, set 8/3/05
11. 3-day suspension, Kansas State University, set 7/18/05
12. 30-day suspension, Wichita State University, set 7/20/05
13. dismissal, Topeka Juvenile Correctional Facility, set 8/18/05
14. dismissal, Social and Rehabilitation Services, set 8/4/05
15. dismissal, Kansas Soldiers' Home, set 9/7/05
16. dismissal, Wildlife and Parks, set 8/18/05
17. dismissal, Kansas Soldiers' Home, set 8/17/05
18. demotion, Department of Social and Rehabilitation Services, briefing schedule set

D. Statistics for Completed Cases:

1. Dismissals: 8
2. Demotions: 1
3. Suspensions: 6
4. Other: 1

1. Affirmed: 3
2. Reversed: 0
3. Modified: 1
4. Dismissed: 5
5. Withdrawn: 7

1. Social and Rehabilitation Services: 6

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| 2. | Department of Corrections: | 5 | |
| 3. | Kansas Highway Patrol: | | 1 |
| 4. | Juvenile Justice Authority: | | 1 |
| 5. | Revenue: | 1 | |
| 6. | State Fire Marshal: | 1 | |
| 7. | Department of Labor: | 1 | |